

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SLAWOMIR PESKI and JANINA PESKI,  
Plaintiff,

X  
21 MC 102

AGAINST

STIPULATION AND  
ORDER OF DISMISSAL  
as to CUSHMAN &  
WAKEFIELD, INC. AND  
CUSHMAN &  
WAKEFIELD 111 WALL,  
INC. ONLY

100 CHURCH, LLC *et al.*  
Defendants.

This order relates to:  
**08-CV-2688 (AKH)**

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X  
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued without prejudice as against defendants, **CUSHMAN & WAKEFIELD, INC.** and **CUSHMAN & WAKEFIELD 111 WALL, INC.** only, without costs to either party as against the other

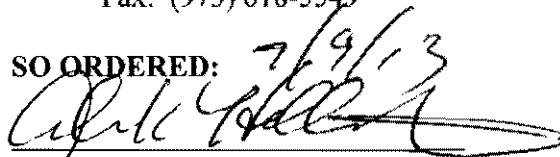
IT IS FURTHER STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that **CUSHMAN & WAKEFIELD, INC.** and **CUSHMAN & WAKEFIELD 111 WALL, INC.** are proper parties to this suit, plaintiff may reinstitute the action without regards to the applicable statute of limitations, assuming said original action was timely commenced, and in such instance these defendants shall not assert the statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: June 27, 2013  
New York, New York

  
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SO ORDERED:   
7/9/13  
HON. ALVIN K. HELLERSTEIN